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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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10 JAMAL DAMON HENDRIX,

11 Plaintiff,

12 v.

13 STATE OF NEVADA, *et al.*,

14 Defendants.

Case No. 3:15-cv-00155-MMD-WGC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
WILLIAM G. COBB

15 Before the Court is the Report and Recommendation of United States Magistrate  
16 Judge William G. Cobb (ECF No. 76) (“R&R” or “Recommendation”), recommending  
17 denial of Defendants’ Motion for Partial Summary Judgment (“Motion”) (ECF No. 33).  
18 Defendants had until April 6, 2017, to object to the R&R. To date, no objection to the  
19 R&R has been filed.

20 This Court “may accept, reject, or modify, in whole or in part, the findings or  
21 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party  
22 timely objects to a magistrate judge’s report and recommendation, then the court is  
23 required to “make a *de novo* determination of those portions of the [report and  
24 recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails  
25 to object, however, the court is not required to conduct “any review at all . . . of any issue  
26 that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
27 Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
28 magistrate judge’s report and recommendation where no objections have been filed. See

1 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard  
2 of review employed by the district court when reviewing a report and recommendation to  
3 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
4 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
5 view that district courts are not required to review "any issue that is not the subject of an  
6 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
7 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.  
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
9 which no objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
11 determine whether to adopt Magistrate Judge Cobb's Recommendation. Defendants  
12 seek partial summary judgment, contending that Plaintiff failed to exhaust his  
13 administrative remedies relating to claims in three counts. Upon reviewing the  
14 Recommendation, Defendants' Motion and the underlying records, the Court agrees with  
15 the Magistrate Judge's recommendation to deny summary judgment.

16 It is therefore ordered, adjudged and decreed that the Report and  
17 Recommendation of Magistrate Judge William G. Cobb (ECF No. 76) is accepted and  
18 adopted in its entirety.

19 It is ordered that Defendants' Motion for Partial Summary Judgment (ECF No. 33)  
20 is denied.

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22 DATED THIS 28<sup>th</sup> day of April 2017.

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25 MIRANDA M. DU  
26 UNITED STATES DISTRICT JUDGE  
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